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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

**DEANNA L. GEIGER, JANINE M.
NELSON, ROBERT DUEHMIG and
WILLIAM GRIESAR,**

Plaintiffs,

v.

JOHN KITZHABER, in his official capacity
as Governor of Oregon; **ELLEN
ROSENBLUM**, in her official capacity as
Attorney General of Oregon; **JENNIFER
WOODWARD**, in her official capacity as
State Registrar, Center for Health Statistics,
Oregon Health Authority; and **RANDY
WALDRUFF**, in his official capacity as
Multnomah County Assessor,

Defendants,

Case No.: 6:13-cv-01834-MC (Lead Case)
Case No.: 6:13-cv-02256-MC (Trailing Case)

The Honorable Michael J. McShane, Judge

NOTICE OF APPEAL

and

**NATIONAL ORGANIZATION FOR
MARRIAGE, INC.**, on behalf of their Oregon
members,

Proposed Intervenor.

PAUL RUMMELL and **BENJAMIN
WEST; LISA CHICKADONZ** and
**CHRISTINE TANNER; BASIC RIGHTS
EDUCATION FUND**,

Plaintiffs,

v.

JOHN KITZHABER, in his official capacity
as Governor of Oregon; **ELLEN
ROSENBLUM**, in her official capacity as
Attorney General of Oregon; **JENNIFER
WOODWARD**, in her official capacity as
State Registrar, Center for Health Statistics,
Oregon Health Authority; and **RANDY
WALDRUFF**, in his official capacity as
Multnomah County Assessor,

Defendants,

and

**NATIONAL ORGANIZATION FOR
MARRIAGE, INC.**, on behalf of their Oregon
members,

Proposed Intervenor.

Notice is hereby given under Fed. R. App. P. 3 that Proposed Intervenor National Organization for Marriage, Inc. hereby appeals to the United States Court of Appeals for the Ninth Circuit from the order and judgment of the United States District Court for the District of Oregon declaring unconstitutional and permanently enjoining enforcement of Article IX, Section 5a of the Oregon Constitution and related statutes, dated May 19, 2014. This is a protective appeal pursuant to *Brennan v. Silvergate Dist. Lodge No. 50, Int'l Ass'n of Machinists & Aerospace Workers, AFL-CIO*, 503 F.2d 800, 803 (9th Cir. 1974) and *Mausolf v. Babbitt*, 125 F.3d 661, 666 (8th Cir. 1997). *See also* 15A Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, Federal Practice and Procedure § 3902.1, at 113 (2d ed.1991) (“If final judgment is entered with or after the denial of intervention, ... the applicant should be permitted to file a protective notice of appeal as to the judgment, to become effective if the denial of intervention is reversed”).

Dated this 22nd of May, 2014.

s/ Roger K. Harris

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National Organization for Marriage,
on behalf of its Oregon members

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